?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
%DATED: 29.04.2019
*CORAM
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
+W.P.(MD)No.7797 of 2019
and
W.M.P.(MD)No.6189 of 2019

#Indian Overseas Bank,
Represented by its
Chief Manager/Authorized Officer,
Regional Office,
Arignar Anna Nagar,
Madurai 625 020. ... Petitioner

Vs

$1.The Inspector General of Registration,
Santhome High Road, Chennai~28.

2.The Joint Sub~Registrar~I,
Marthandam SRO,
Kanyakumari District.
... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to register the sale certificate dated 01.02.2019 issued by the petitioner bank in favour of Mr.I.Ivin Prabhu (represented through his power agent, Mr.V.Ayyadurai son of Mr.Vadivu Nadar).

!For Petitioner : Mr.Palaramasamy

^For Respondents : Mr.M.Murugan
Government Advocate

:ORDER

Heard the learned counsel on either side.

2.The issue on hand is no longer res integra. The learned counsel appearing for the writ petitioner points out that a learned Judge of this Court in the decision reported in 2013 (2) CTC 714 (K.D.P. Properties Pvt. Ltd. vs. The Sub~Registrar and Another) held that sale of the property pending an order of attachment is void only as against the claims enforceable under the said order of attachment and not in respect of other claims. Therefore, the sale of the property which is under attachment cannot be characterised as illegal. The said decision clearly applies to the case on hand.

3.Therefore, the second respondent is directed to register the petition

mentioned sale certificate immediately and without any delay. This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

To

1.The Inspector General of Registration,
Santhome High Road, Chennai~28.

2.The Joint Sub~Registrar~I,
Marthandam SRO,
Kanyakumari District.